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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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J 9555.94USWO

023552
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MINNEAPOLIS MN 55402-0903

HM12/0410

EXAMINER

ROBINSON, H

ART UNIT

PAPER NUMBER

1653

DATE MAILED:

14
04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER 14
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DATE MAILED:

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The amendment filed on January 17, 2001 which amended all the claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP 821.03). The remaining claims are not readable on the elected invention because the pending claims are drawn to a method for reversing the ongoing proliferation or activity or both of activated blood cells, without affecting resting cells, which comprises the step of contacting said cells with an amount of a proteasome inhibitor capable of achieving a concentration in the fluids surrounding the cells that is equipotent to a concentration of about 6 to 20 uM of lactacystin. This method is now directed to cell culture which differs from the method originally presented in the application in that the methods have different method steps and endpoints. In addition, since the method claims as amended are directed to an invention that is independent or distinct from the invention originally claimed for the reasons indicated above, and since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. The amended claims would have been subjected to a Restriction Requirement had they been presented at the time of filing. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD OF ONE (1) MONTH OR THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(A) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope Robinson whose telephone number is 703-308-6231. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm (EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S.F. Low, can be reached at 703-308-2923.

Any inquires of a general nature relating to this application should be directed to the Group Receptionist whose telephone number is 703-308-0196. Papers related to this application may be submitted by facsimile transmission. The official fax phone number for Technology Center 1600 is 703-308-4242. Please affix the examiner's name on a cover sheet attached to your communication should you choose to fax your response. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG (November 15, 1989).

Hope Robinson, MS
Patent Examiner

Karen Cochrane Carlson

KAREN COCHRANE CARLSON, PH.D
PRIMARY EXAMINER